

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3660

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Michael Nash, Co-chair
Hon. Mary Ann Grilli, Co-chair
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DATE: November 1, 2002

SUBJECT: Juvenile Police Records: Notice for Release of Records and Objection;
and Petition to Obtain Law Enforcement Agency Report (approve form
JV-580; revise form JV-575) (Action Required)

Issue Statement

Senate Bill 940 enacted Welfare and Institutions Code section 827.9, which governs the release of juvenile police records in Los Angeles County. The legislation requires the Judicial Council to develop forms to provide notice to a child and his or her parent that an individual or entity is seeking release of the child's juvenile police records, as well as a mechanism for the child or parent to object to the release of the records. The legislation further requires that the notice form be attached to form JV-575, *Petition to Obtain Report of Law Enforcement Agency/Juvenile*.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2003 approve for use in Los Angeles County a new form JV-580, *Notice to Child and Parent/Guardian Re: Release of Juvenile Police Records and Objection*, and revise form JV-575, *Petition to Obtain Report of Law Enforcement Agency/Juvenile* to comply with the requirements of Senate Bill 940.

The text of the proposed forms are attached at pages 4–5.

Rationale for Recommendation

Senate Bill 940 enacted Welfare and Institutions Code section 827.9 governing the release of juvenile police records in Los Angeles County. Due to the high number of requests for disclosure of juvenile police records and the need to coordinate with many different police agencies in Los Angeles, the legislation established standardized procedures for release of juvenile police records in Los Angeles County only.

The legislation clarified the categories of persons or entities entitled to receive complete or redacted copies of juvenile police records and outlined procedures for other persons to request copies of juvenile police records in Los Angeles County. The legislation requires the Judicial Council to develop forms to provide notice to a child and his or her parent that an individual or entity is seeking release of the child's juvenile police records as well as a mechanism for the child or parent to object to the release of the records. The legislation also requires that the notice form be attached to form JV-575, *Petition to Obtain Report of Law Enforcement Agency/Juvenile*.

The new form, JV-580, *Notice to Child and Parent/Guardian Re: Release of Juvenile Police Records and Objection* implements the legislative mandate requiring that the Judicial Council provide law enforcement agencies with suggested forms for use in complying with the notice provisions of Welfare and Institutions Code section 827.9. The form provides a child and his or her parents with the name of the person or entity seeking a copy of the child's juvenile police records and instructions on how to object to release of the records if they choose to do so.

The new form JV-580 would be used as an attachment to a *Petition to Obtain Report of Law Enforcement Agency/Juvenile* (form JV-575), which has been revised to include a reference to Welfare and Institutions Code section 827.9 in the caption and footer of the form to reflect the passage of Senate Bill 940. The *Petition to Obtain Report of Law Enforcement Agency/Juvenile* is mandatory in Los Angeles as required by Senate Bill 940 and optional in all other counties. The *Petition to Obtain Report of Law Enforcement Agency/Juvenile* indicates the person or organization seeking release of a child's juvenile police records.

Alternative Actions Considered

Form JV-580 was initially proposed for optional use throughout California. The Rules and Projects Committee (RUPRO) suggested that the new form be adopted as a mandatory form. Form JV-580 cannot be adopted as a mandatory form, because there is no statutory authority to do so and the public has not had an opportunity to comment on its use as a mandatory form. Form JV-580 was designed to reflect the specific procedures outlined in Welfare and Institutions Code section 827.9 which only apply to Los Angeles County. The disclosure of information gathered by law enforcement agencies in counties other than Los Angeles is governed by Welfare and Institutions Code section 828. Section 828 does not include a provision requiring notice to the child and his or her parent that an individual or entity is seeking disclosure of his or her juvenile police records. Since there is no underlying statutory authority requiring notice to a child and his or parent in counties other than Los Angeles, without legislation, JV-580 cannot be adopted for mandatory use throughout the State.

Comments From Interested Parties

The invitation to comment on the proposal was circulated to the normal Rules and Projects by mail and by posting on the Judicial Council website. It was circulated from March 28, 2002 through June 7, 2002.

Thirteen commentators responded. Nine commentators approved of the forms as drafted. Four commentators agreed with the forms if modified. Two commentators suggested that item 2 on JV-580 be deleted since the same information is requested in item 1. That change was made.

One commentator suggested that the child or parent should be asked to give a reason for their objection to the release of their juvenile police records. However, juvenile records are presumptively confidential. Hence, the child or parent should not be required to state a reason why he or she does not want the records released.

Another commentator suggested a procedure to ensure that the court receive notice that the child or parent has notice that disclosure of his or her juvenile police records is being sought. In response, item 5 on JV-575 has been changed to indicate the date the *Notice to Child and Parent/Guardian Re: Release of Juvenile Police Records* was served on the child and parent.

The comments and the committee's response are summarized in the attached chart at pages 11–13.

Implementation Requirements and Costs

There are no costs associated with implementation of this proposal.

Attachments

FOR COURT USE ONLY

E-MAIL ADDRESS (Optional):

FAX NO.:

ATTORNEY FOR (Name):

DRAFT-6

MAILING ADDRESS:

BRANCH NAME:

CHILD'S NAME:

CHILD'S DATE OF BIRTH:

CASE NUMBER:

**PETITION TO OBTAIN REPORT OF LAW ENFORCEMENT AGENCY/JUVENILE
Welfare and Institutions Code, §§ 827.9, 828**

RELATED CASES (if any):

1. Petitioner's name and address (if representing another person, organization, or agency, provide names and addresses):

2. Petitioner's relationship to child (if any):

3. Police department or law enforcement agency possessing records:

Report number:

4. The reasons for this request are:
(Describe in detail. Attach additional pages if necessary.)

☐ Continued on attachment 4.

5. ☐ The *Notice to Child and Parent/Guardian Re: Release of Juvenile Police Records* was served on the child/parent on (date):

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

Number of pages attached: _____

☐ PETITION GRANTED ☐ PETITION DENIED

☐ ADDITIONAL ORDERS:

Date:

JUDICIAL OFFICER

**PETITION TO OBTAIN REPORT OF
LAW ENFORCEMENT AGENCY/JUVENILE**